

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATHEW COLLETT,

Plaintiff,

v.

MASON COUNTY, et al.,

Defendants.

CASE NO. 3:23-CV-5654-TMC-DWC

ORDER DIRECTING HDS
DEFENDANTS TO SHOW CAUSE

Defendants Healthcare Delivery Systems, Inc. (“HDS”), Shannon Slack, Julie Rice, and Nurse Bree (collectively “HDS Defendants”) filed a motion titled “Motion for Summary Judgment of Dismissal.” Dkt. 168. HDS Defendants request dismissal because Plaintiff has not stated a claim against them in his Second Amended Complaint and include the standard of review applicable to motions to dismiss and motions for judgment on the pleadings. *Id.* at 4, 11.

The Court recognizes that HDS Defendants cite some evidence in the motion and the motion is referred to as a motion for summary judgment in HDS Defendants’ reply brief. *See* Dkt. 168 at 2–3, 8–9 (citing Plaintiff’s October 12, 2023 Medical Record and declarations from Defendant Slack); Dkt. 188. On the whole, however, HDS Defendants appear to seek judgment

1 on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. Therefore, the Court
2 interprets the motion to be a motion for judgment on the pleadings and will apply the Rule 12(c)
3 standard of review.

4 The Court will, however, allow HDS Defendants an opportunity to show cause why this
5 Court should instead treat the motion as a motion for summary judgment. HDS Defendants must
6 show cause on or before March 10, 2025. The Court notes that, if HDS Defendants do not show
7 cause why the motion should be treated as a motion for summary judgment, the Court will only
8 consider the sufficiency of allegations in the Second Amended Complaint and will not consider
9 other documents such as declarations from Defendant Slack and attached medical records. Dkts.
10 169, 169-1, 131-1.

11 The Clerk is directed to re-note the pending Motions (Dkts. 165, 168, 172) to March 10,
12 2025.

13 Dated this 28th day of February, 2025.

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16 David W. Christel
17 United States Magistrate Judge
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